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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

MARY GARNER,) Case No.
)
Plaintiff,) COMPLAINT FOR VIOLATION
) OF FEDERAL FAIR DEBT
vs.) COLLECTION PRACTICES ACT
)
WEST ASSET MANAGEMENT,)
INC,)
)
Defendant.)

I. NATURE OF ACTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington, Chapter 19.16, both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy by intrusion, ancillary to Defendant's collection efforts.

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II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, Mary Garner, is a natural person residing in the State of Washington, County of Franklin, and City of Pasco.

4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).

5. At all relevant times herein, Defendant, West Asset Management, Inc., (“Defendant”) was engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. § 1692a(5).

6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).

IV. FACTUAL ALLEGATIONS

7. At various and multiple times prior to the filing of the instant complaint, including within the one hundred twenty days preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant’s conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to repeatedly and belligerently contacting

1 Plaintiff about a debt allegedly owed by her daughter, after numerous oral
2 requests by Plaintiff to cease and desist (§ 1692c(b), § 1692b(2)(3) & § 1692d).
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4 9. Defendant's aforementioned activities, set out in paragraph 8, also
5 constitute an intentional intrusion into Plaintiff's private places and into private
6 matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable
7 person. With respect to the setting that was the target of Defendant's intrusions,
8 Plaintiff had a subjective expectation of privacy that was objectively reasonable
9 under the circumstances.
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12 10. As a result of Defendant's behavior, detailed above, Plaintiff
13 suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation,
14 embarrassment, mental anguish and emotional distress.
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17 **COUNT I: VIOLATION OF FAIR DEBT**
18 **COLLECTION PRACTICES ACT**

19 11. Plaintiff reincorporates by reference all of the preceding paragraphs.
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21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff respectfully prays that judgment be entered
23 against the Defendant for the following:
24

- 25 A. Declaratory judgment that Defendant's conduct
26 violated the FDCPA;
27 B. Actual damages;

- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY
ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON
CONSUMER PROTECTION ACT**

12. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered
against the Defendant for the following:

- B. Actual damages;
- C. Discretionary Treble Damages;
- D. Costs and reasonable attorney's fees,
- F. For such other and further relief as may be just and proper.

COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION

13. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered
against the Defendant for the following:

- 1 A. Actual damages
2 B. Punitive Damages; and,
3 C. For such other and further relief as may be just and proper.
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6 Respectfully submitted this 3rd day of September, 2008.
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9 s/Jon N. Robbins
10 Jon N. Robbins
11 WEISBERG & MEYERS, LLC
12 Attorney for Plaintiff
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